

MEMORANDUM

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Application denied without prejudice for failure to comply with paragraph 2.A of this Court's Individual Practices.

(Separately, the Court notes that some or all of these disputes may be resolvable through a written statement from plaintiff that it has no factual information with respect to the topics at issue.)

SO ORDERED: DATE: 8/13/2008
Gabriel W. Gorenstein
GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

Akerman Senterfitt LLP
ATTORNEYS AT LAW

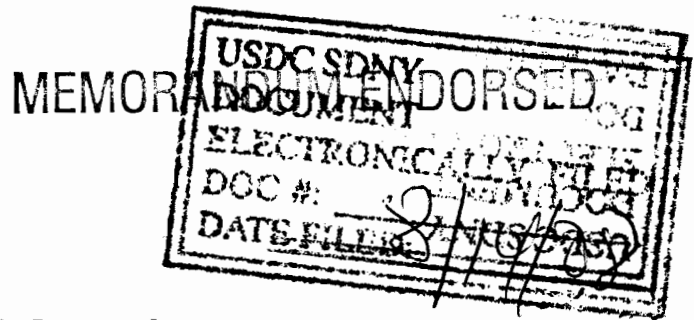
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August 12, 2008

BY HAND DELIVERY

The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court House
500 Pearl Street
New York, NY 10007



Re: L & L Wings, Inc. v. Marco-Destin Inc., et al.;
Civil Action No.: 1:07-cv-04137-BSJ-GWG

Dear Magistrate Gorenstein:

We represent all Defendants in this matter and write seeking a pre-motion conference on the issue of Plaintiff's refusal to produce any Fed. R. Civ. P. 30(b)(6) witness relative to the issue of what damage (and the amount thereof) has been caused by any action of each Defendant.

As the Court is aware, this suit involves Plaintiff's claim against four Defendant corporations for alleged violation of a settlement agreement and alleged trademark infringement. Two of the Defendants operate certain retail stores under the "WINGS" name – this has never been in dispute. A third Defendant, however, is a mere landlord and a fourth Defendant provides senior level functions (buying, financial. management, etc.) to certain of the other corporate Defendants.

Defendants served an Amended Notice of Deposition on July 11, 2008, listing various topics under Fed. R. Civ. P. 30(b)(6) and confirming the mutually agreed-upon date for the deposition, as well as confirming that Mr. Shaul Levy has been designated as the Fed. R. Civ. P. 30(b)(6) witness for the corporate Plaintiff. A copy of the notice is attached to this Letter as Exhibit 1. Topics 12-15, on page 4 of the notice, are the subject of this request for a pre-motion conference.